

**GENERAL SCHEDULE NO. 16**  
**RECORDS RETENTION AND DISPOSAL**  
**SCHEDULE FOR MICHIGAN TRIAL COURTS**

This schedule provides for the retention and disposition of many records created and/or maintained by Michigan trial courts. The public officials concerned may destroy or transfer these records upon expiration of the retention period assigned. It will still be necessary to notify the Department of State, Michigan Historical Center - State Archives and the Department of Treasury prior to destroying original court records by filing a Certificate of Records Disposal. Any record not contained on this list or not having a statutory retention period may not be disposed of without submitting a list or schedule required by MCL 399.5; MSA 15.1805, or securing an amendment to this schedule.

Date: 8-7-01

(Signed)

**APPROVED**

\_\_\_\_\_  
State Administrative Board Secretary

Date: 6/19/01

(Signed)

\_\_\_\_\_  
State Court Administrator

Date: 6/22/01

(Signed)

\_\_\_\_\_  
Sandra J. Clark  
Department of State, Michigan Historical Center

Date: 6/2 1/01

(Signed)

\_\_\_\_\_  
Richard Baldermann  
Treasury Department, Local Audit Division

Date: 7/3 0/01

(Signed)

\_\_\_\_\_  
Robert A. Hurvick  
Assistant Attorney General, State Affairs Division

RECEIVED

AUG 13 2001

STATE ARCHIVES

**GENERAL SCHEDULE NO. 16**  
**RECORDS RETENTION AND DISPOSAL**  
**SCHEDULE FOR MICHIGAN TRIAL COURTS**

(rev. 6/01)

**TABLE OF CONTENTS**

**General Notes**

Retention of Records .....	i
Retention of Non-Court Records .....	i
Retention of Original Records .....	i
Disposal of Original Records .....	ii
Creation of Suitable Duplicate Records .....	ii
Retention Period .....	iii
Case Records .....	iii
Non-Record Material. ....	iii
Municipal Courts .....	iii
Subschedules .....	iii

**Administrative and Fiscal Records**

General .....	1
Circuit Court .....	2
District Court .....	2
Probate Court .....	2

**Case Records**

General .....	4
Circuit Court .....	5
District Court .....	8
Probate Court .....	9

<b>Non-Record Materials .....</b>	<b>11</b>
-----------------------------------	-----------

# **GENERAL SCHEDULE NO. 16 RECORDS RETENTION AND DISPOSAL SCHEDULE FOR MICHIGAN TRIAL COURTS**

## **GENERAL NOTES**

**Retention of Records.** This General Schedule No. 16 Records Retention and Disposal Schedule, which replaces General Schedules 12, 13, 14, and 15, outlines the minimum (and in some cases the minimum and maximum) periods for the retention of trial court records. The record on a matter is either the original record or suitable duplicate record. The retention periods listed apply to the existence of a record, irrespective of whether the record is in original or suitable-duplicate form. Records include both paper and electronic files. Regardless who is providing an automated system for the court (including the friend of the court office or the probation department), they must comply with this schedule.

Records include both paper and electronic files. Whoever is providing an automated system for the court (including the friend of the court office or the probation department) must comply with this schedule. In instances where databases are shared between the court and another agency, the following apply:

- 1) When a court is the source of a record (enters information into the system) which is used by the court, then that record shall be considered a court record and the court shall ensure that the provider of the system (whether under the authority of the court or another agency) complies with the retention schedule for court records.
- 2) When the provider of the system is not under the authority of the court and is the source of the record (enters information into the system), then that record shall be considered a record of the provider of the system and the provider may use its own retention schedule. If the court makes a hard copy of the record, it is subject to the retention schedule for court records of that type.
- 3) In the event of a conflict concerning ownership of a record, the court shall ensure that the provider of the system will retain records for at least the time required by the retention schedule for court records.
- 4) In the event the court moves, copies, or otherwise enters information from the system provider's database, electronically into a field that the court is responsible for maintaining, the court shall ensure that the record is subject to the retention schedule for court records.

**Retention of Non-Court Records.** Records created by the court as a result of court services provided to the jury board are to be maintained in accordance with the county's record retention and disposal schedule.

**Retention of Original Records.** In general, original court records must be retained at least six (6) years from the time the record is filed or created. [*MCL 600.2137(1)*, *MCL 691.1101*] Exceptions to this general statutory requirement are specifically noted where appropriate.

## **GENERAL NOTES** **(continued)**

**Disposal of Original Records.** Whenever an original record is sought to be destroyed, a court must first notify State Archives at the Michigan Historical Center by filing a Certificate of Records Disposal (Form MH 38). [MCL 399.5(2)] Notifications, as well as requests for forms or information, should be directed to:

Department of State  
Michigan Historical Center – State Archives  
717 W. Allegan  
Lansing, MI 48918-1837  
(517) 373-1400

The State Archives will respond within 30 days of receipt of Form MH-38 if there are original court records it wishes to retain for historical purposes.

In planning to dispose of original records, a court must also notify the Local Audit and Finance Division of the Michigan Department of Treasury so that a financial and legal compliance audit may be conducted prior to any records destruction. Such notification is made by filing Form MH-38 with the Local Audit and Finance Division, located at the following address:

Department of Treasury  
Local Audit and Finance Division  
PO Box 30728  
Lansing, MI 48909-8228

Treasury will respond within 30 days of receipt of Form MH-38 if there are original court records it wishes to retain for audit purposes.

If a court has not received a request for preservation from either State Archives or Treasury within 30 days from filing Form MH-38 with both offices, the court may destroy the original records sought to be destroyed.

For information on the procedures and methods for disposing of records, see the Michigan Trial Court Case File Management Standards.

**Creation of Suitable Duplicate Records.** A suitable duplicate record is an accurate copy of an original record (or of an earlier created suitable duplicate record) created pursuant to the Records Media Act [MCL 24.401-403], being either

- (a) a photograph,
- (b) a photocopy,
- (c) a microcopy, or
- (d) a copy stored on an optical storage disc.

**A Register of Actions is not a duplicate record of any other record or document.**

## **GENERAL NOTES** **(continued)**

The creation of microcopies must conform to relevant State Microfilm Standards [*R18.101-113*]. The creation of an optical storage disc must conform to the relevant Rules for Optical Imaging Systems [*R24.401-419*]. In accordance with the Rules for Optical Imaging Systems, if a record has a retention period in excess of 10 years and is put onto an optical storage disc, then a court must also maintain a human-readable copy (microfilm or paper) of the record.

**Retention Period.** Unless otherwise specified, the retention period for a record is to be counted in the following manner. For Administrative and Fiscal Records, the retention period begins at the time the record is created. If more than one record is retained together (e.g., within the same book or ledger), the retention period for all records is calculated from the creation of the latest record. For Case Records, the retention period begins upon the latest filing of a court order in the case file (unless the records are stenographic notes, tapes, or recordings, in which case the retention period begins at the time the record is created).

**Case Records.** Retention periods for the various types of case records are listed in the Retention Schedule. Any record filed in a specific case file or stored separately from the case file for convenience purposes (with the exception of the Register of Actions) becomes a record of that case and is to be retained for the retention period for that case type. Any other records (such as stenographic notes, tapes, case evaluations, and mediation documents) maintained separately from the case file have separate retention periods.

**Non-Record Material.** Non-Record Material is listed at the end of the Retention Schedule. Such material does not have a required period of retention and may be disposed of at the convenience of the court and without notification to State Archives or to Treasury.

**Municipal Courts.** Municipal Courts should follow the retention periods applicable to District Courts.

**Subschedules.** This Records Retention and Disposal Schedule is divided into two main subschedules – one concerning Administrative and Fiscal Records, and one concerning Case Records.

# RECORDS RETENTION AND DISPOSAL SCHEDULE FOR TRIAL COURTS

## ADMINISTRATIVE AND FISCAL RECORDS

Item #	Records Title and Description	Retention Period
<b>GENERAL</b>		
1.	<p><u>All</u> Accounting records</p> <ul style="list-style-type: none"> <li>a. Receipts, including summary receipt reports individual receipts transmittal/deposit advices</li> <li>b. Disbursement records, including check registers</li> <li>c. Bank records, including bank statements bank reconciliations deposit slips</li> <li>d. Bond and trust records, including open bond and trust reports bond and trust check registers</li> <li>e. Vouchers and payments, including attorney fee payments time book of jurors or juror payments witness payments</li> <li>f. Requisitions - all categories</li> <li>g. All other accounting-related records</li> </ul> <p>These records include accounting records for the Friend of the Court.</p>	6 years
2.	<p>Used checkbooks and canceled checks</p> <p>Unused checks are not records and should be destroyed in a manner that renders them unusable when they are no longer of use. The court should keep a record of the check numbers destroyed and the date they were destroyed; this record should be kept with checkbooks and retained for the period specified for used checkbooks and canceled checks.</p>	6 years

**ADMINISTRATIVE and FISCAL RECORDS**  
(continued)

<b>Item #</b>	<b>Records Title and Description</b>	<b>Retention Period</b>
3.	Financial and procedural audit reports performed by outside entities (court contracted or Treasury audits)	6 years
4.	Personnel files	6 years after employment ends  Review files before destruction to ensure that no work-related injuries occurred while the person was employed by the court. If so, records must be kept for 7 years after employment.
5.	Personnel - job applications (hired and not hired)	3 years after filling position
6.	Judicial Assignment records a. Assignment request and assignment (order) to specific case  b. Blanket assignment request and blanket assignment (order)	a. Filed in case file and retained for the retention period of case  b. Until assignment terminates (expires)
7.	Juror Personal History Questionnaires  Juror Qualification Questionnaires are not court records, but if the court maintains these records for the jury board, then follow the county's record retention and disposal schedule.	3 years
8.	Jury lists - first and second lists	3 years
9.	Administrative orders for drawing of jurors	1 year
10.	Statistical reports (e.g. caseload and speedy trial) and other internally generated reports (e.g. annual reports).  Court daily calendars  General correspondence	1 year
11.	Marriage records log [MCL 551.7(3), MCL 551.104]]	6 years

**ADMINISTRATIVE and FISCAL RECORDS**  
(continued)

<b>Item #</b>	<b>Records Title and Description</b>	<b>Retention Period</b>
---------------	--------------------------------------	-------------------------

**CIRCUIT COURT**

12.	Other records that are not part of a case record series such as applications and orders for PEN register (wiretaps), petitions and orders for investigative subpoenas, petitions and orders for discovery subpoenas for out of state cases, etc.	10 years
13.	Naturalization proceeding records	50 years  It is especially important that, in the event a court desires to dispose of original naturalization proceedings records, the court make a timely and detailed notification to State Archives and to Treasury.
14.	Foster home files	7 years

**DISTRICT COURT**

15.	Search warrants that are not placed in case files	10 years
-----	---	----------

**PROBATE COURT**

16.	Inventory of safe deposit box	1 year
17.	Secret marriage files	Permanent



## CASE RECORDS

### GENERAL CASE RECORDS

Item #	Records Title and Description	Retention Period
31.	<p>Registers of actions</p> <p>A Register of Actions if one exists (formerly called “docket”, “case history”, or “journal”) is a chronological list of events in the life of a case, and is required for all cases except civil infractions in District Court. [MCL 600.8344; MCR 8.203; MCR 8.119(D)(1)(c)]</p>	<p>Permanent, except in small claims case</p> <p>A Register of Actions is required in small claims cases; however, it need not be retained after the disposal of the case file. A Register of Actions is not required for civil infraction cases, but if a Register of Actions happens to be maintained for such a case, it may be disposed of at the same time the case file is disposed of. There may be some value to retaining a Register of Actions in such cases beyond the life of the case file.</p> <p>For all case files other than small claims and civil infraction cases, if the case file has a retention period less than permanent, when disposing of the record of the case, take care to ensure the Register of Actions is retained.</p>
32.	<p>Stenographic notes, tapes, recordings, videotapes</p> <p style="padding-left: 20px;">a. Untranscribed</p> <p style="padding-left: 40px;">i. Circuit and Probate Courts</p> <p style="padding-left: 40px;">ii. District Court</p> <p style="padding-left: 40px;">iii. Video - Duplicate Copy</p> <p style="padding-left: 20px;">b. Transcribed</p>	<p>[MCL 600.2137(3)]</p> <p style="padding-left: 20px;">a.</p> <p style="padding-left: 40px;">i. 15 years from date of creation if a felony case; 10 years for any other case or longer</p> <p>Concerning a hearing for the admission of any person to a hospital or other place of detention as a mentally ill or developmentally disabled person, or as a person with a contagious disease, untranscribed court reporter and recorder notes shall be retained for at least 10 years or for as long as the person is in the relevant hospital or facility, whichever is longer. [MCL 600.859(3)] Transcripts are to be retained in their original form for the entire retention period.</p> <p style="padding-left: 40px;">ii. 10 years from date of creation if criminal case; 5 years from date of creation if civil case</p> <p style="padding-left: 40px;">iii. 5 years from date of creation</p> <p style="padding-left: 20px;">b. 1 year after the transcript has been filed with the court</p>

**CASE RECORDS  
(continued)**

<b>Item #</b>	<b>Records Title and Description</b>	<b>Retention Period</b>
33.	<p>Indices</p> <p>Courts must create and maintain two types of indices – an alphabetical index and a numerical index. The alphabetical index will list names of parties to cases in alphabetical order, with a case number (or numbers) corresponding to each name. The numerical index will list case numbers in numerical order, with party names corresponding to each number. All cases, except District Court civil infraction cases, must be indexed. [MCR 8.119(D)(1)]</p>	Permanent
34.	<p>Case evaluations</p> <p>These records are maintained separately from case files and include case evaluations, acceptances, rejections, and awards. The retention period is based on the statute of limitations for a contract which is 6 years. [MCR 2.403(N)(4)]</p>	6 years

**CIRCUIT COURT CASE RECORDS**

The blotter, common rule book, and minute books are obsolete and are removed from the Circuit Court subschedule. They may be disposed of, after proper notification to State Archives and Treasury, at the discretion of the court.

41.	Case files (civil, criminal, and domestic relations)	25 years from latest court order
42.	Final judgments and orders	Permanent
51.	<p>Adoption-related records</p> <p>Adoption-related records include both records concerning adoption proceedings and records concerning requests for adoption information.</p>	Permanent
52.	Change-of-name records	Permanent
53.	Emancipation-of-minors files	When minor turns age 25
54.	Infectious disease files [MCL 333.5204-.5207]	6 years from latest court order
55.	Safe delivery of newborn files	When child turns age 18
56.	Files concerning a waiver of parental consent to obtain an abortion	<p>2 years after minor has reached majority [MCR 5.783(B)(4)]</p> <p>These files are not to be microfilmed or otherwise copied. [MCR 5.783(B)(4)]</p>

**CASE RECORDS  
(continued)**

Item #	Records Title and Description	Retention Period
57.	<p>Legal and social files of juvenile delinquency proceedings (file contents described on page 7)</p> <p>Even though the legal and social file in any given juvenile delinquency case will have identical retention periods, it is important to maintain the files in such a way as to preserve the social file's confidentiality.</p> <ul style="list-style-type: none"> <li>a. Diversion records, consent calendar, and informal records</li> <li>b. Records of cases where adjudication was set aside</li> <li>c. Records of cases where adjudication was not set aside <ul style="list-style-type: none"> <li>i. Records concerning an offense which: (a) if committed by an adult, would be a felony for which the maximum punishment is life in prison; (b) if committed by an adult, would be a criminal traffic violation; or (c) is a reportable juvenile offense</li> <li>ii. All other records</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>a. Until minor reaches age of 17, and not more than 28 days after that date; or sooner for good cause [MCR 5.925(E)(2)(a), (b) and MCR 5.932(B)]</li> <li>b. Destroy upon entry of order setting aside adjudication [MCR 5.925(E)(3)(c)]</li> <li>c. <ul style="list-style-type: none"> <li>i. Permanent</li> <li>ii. Until, and not beyond when, the minor becomes 30; or sooner for good cause [MCR 5.925(E)(2)(a), (b)]</li> </ul> </li> </ul>
58.	<p>Legal and social files of child protective proceedings (file contents described on page 6)</p> <p>Even though the legal and social file in any given child protective case will have identical retention periods, it is important to maintain the files in such a way as to preserve the social file's confidentiality.</p>	<p>At least, and not more than, 25 years after court's jurisdiction over the last child in the family ends; or sooner for good cause [MCR 5.925(E)(2)(a),(c)]</p>
59.	Designated cases	25 years from latest court order

**CASE RECORDS  
(continued)**

<b>Item #</b>	<b>Records Title and Description</b>	<b>Retention Period</b>
71.	<p>Friend of the court support files and support payment records</p> <p>Support payment records are the compilation of accounting records (ledgers and account records) as opposed to accounting records (cancelled checks, receipts, etc.).</p>	<p>When an arrearage is reflected on the support records, 10 years after the obligation to pay support ends and the case has been administratively closed. Friend of the court copies of records contained in the court's case file may be destroyed 1 year after administrative closure of the case. [MCL 600.5809]</p> <p>When no arrearage is reflected on the support records, 6 years for support payment records after the obligation to pay support ends. All other records in friend of the court support files may be destroyed one year after obligation to pay support ends and the case has been administratively closed, provided notice has been sent to parties advising of closure and intent to destroy the file. [MCL 600.5809]</p>
72.	Friend of the court mediation files [MCL 552.513]	6 years after the mediation concludes [MCL 600.5807(8)]
73.	Friend of the court files other than support	<p>6 years after the youngest child emancipates [MCL 600.5807(8)]</p> <p>Emancipation would include other termination events such as death of a child or parent. If the case file contains support provisions for a child, the retention period is the support period.</p>

The **legal file** for juvenile delinquency and/or child protective proceedings will typically include the following: 1) petitions, requests for counsel, for appeal, etc.; 2) notices, summons, subpoenas, service of process; 3) findings and recommendations of the Foster Care Review Board child protective, if admitted; 4) abstracts; and 5) orders.

The **social file** for juvenile delinquency and/or child protective proceedings will typically include the following: 1) youth and family record fact sheet; 2) social study including individual case plans with time frames where appropriate; 3) reports (dispositional, investigative, laboratory, medical, observation, psychological, psychiatric, progress, treatment, school, etc.); 4) Family Independence Agency records; 5) correspondence; 6) victim statements; 7) testimony from closed proceedings; 8) police reports (delinquency); 9) diversion records (delinquency); 10) required fingerprinting material regarding reportable juvenile offenses (delinquency); 11) other court materials or records the court determines to be confidential; dates of caseworker visits or contact with the child and family; summary reports of child progress under care, completed at least semi-annually.

**CASE RECORDS  
(continued)**

**DISTRICT COURT CASE RECORDS**

**Case files (excluding dockets) created prior to January 1, 1969** are removed from the District Court subschedule. They may be disposed of, after proper notification to State Archives and Treasury, at the discretion of the court.

<b>Item #</b>	<b>Records Title and Description</b>	<b>Retention Period</b>
81.	Civil infraction cases, including parking, in which a judgment was rendered and satisfied or that have been dismissed	3 years from latest court order
82.	Unsatisfied civil infraction judgments	7 years from latest court order or after purge from Secretary of State, whichever is later [MCL 257.321a; MSA 9.2021(1)]
83.	Misdemeanor cases arising under state law, charter, or ordinance payable through a traffic bureau or magistrate	6 years from latest court order
84.	All other cases arising under charter or ordinance	6 years from latest court order
85.	Cases arising under state law not payable through a traffic bureau or magistrate	10 years from latest court order
86.	General civil cases	10 years from latest court order
87.	Summary proceedings and landlord/tenant cases  Actions to collect against a judgment arising from a case which has been destroyed is allowable under MCL 600.8344: "The validity and enforceability of a judgment are not affected by the destruction of the piece of paper upon which the judgment is entered, but the register of actions itself, or a certified reproduction of the register of actions pursuant to the records media act, is a complete replacement of the judgment and the records of the action."	6 years from latest court order  Although court files may be destroyed after 6 years, the statute of limitations for non-contractual money judgments from a court of record is 10 years. [MCL 600.5809(3)]
88.	Small claims cases	6 years from latest court order  The Register of Actions in small claims cases must also be kept for 6 years.
89.	Probation files and presentence reports	3 years after discharge from probation

## CASE RECORDS (continued)

### PROBATE COURT

“Original orders and letters of authority, after being recorded, must be placed in the files of the court. For security purposes, testamentary documents of deceased persons, bonds, orders, and such other documents as the court directs must be copied by microfilming or other means promptly after filing or issuance and preserved in the records of the court separately from the files.” [MCR 8.302]

Records or files regarding: 1) abstracts of taxable inheritance; 2) afflicted adults files; 3) records concerning crippled or afflicted children; 4) custodian files; 5) mothers’ pension files; 6) power of attorney records; and 7) sterilization are removed from the Probate Court subschedule. They may be disposed of, after proper notification to State Archives and Treasury, at the discretion of the court:

Item #	Records Title and Description	Retention Period
101.	Conservatorship files	Permanent
102.	Estates files	Permanent
103.	Guardianship files, developmentally disabled persons	Permanent  These files must be retained in original form for 6 years or for 2 years after the date of discharge or administrative closure, whichever is longer.
104.	Guardianship files, legally incapacitated individuals	Permanent  These files must be retained in original form for 6 years or for 2 years after the date of discharge or administrative closure, whichever is longer.
105.	Guardianship files, minors	Permanent  These files must be retained in original form for 6 years or for 2 years after the date of discharge or administrative closure, whichever is longer.
106.	Mental illness files	Permanent  These files must be retained in original form for 6 years or for 2 years after the expiration of the last order, whichever is longer.
107.	Trusts files, testamentary and inter vivos	Permanent
108.	Wills filed for safekeeping	Permanent  Wills filed for safekeeping are to be retained in original form for at least 82 years.

**CASE RECORDS**  
**(continued)**

<b>Item #</b>	<b>Records Title and Description</b>	<b>Retention Period</b>
109.	<p>Miscellaneous proceedings files</p> <p>“Miscellaneous proceedings files” include, but are not limited to proceedings concerning: 1) Soldiers and Sailors Relief Commission; 2) Tax Allocation Board; 3) State Boundary Commission; 4) Poor Persons Act; 5) Bonds for Railway Survey; 6) Election Commission; 7) filling of vacancies in certain offices; 8) lost instruments; 9) kidney donations; 10) Uniform Gift to Minors Act; 11) appeals of denial of delayed registration of birth; 12) appeals of adoption subsidy determination; 13) appeals of financial liability redetermination by Mental Health; 14) and appeals in drain proceedings.</p>	25 years from latest court order
110.	<p>Acknowledgments of paternity</p> <p>These records are no longer processed in many Probate Courts. However, it is necessary for Probate Courts to retain their old records permanently.</p>	Permanent
111.	<p>Libers of orders</p> <p>These records are no longer processed in many Probate Courts. However, it is necessary for Probate Courts to retain their old records permanently.</p>	Permanent
112.	<p>Condemnation proceedings files</p> <p>These records are no longer processed in many Probate Courts. However, it is necessary for Probate Courts to retain their old records permanently.</p>	Permanent

## NON-RECORD MATERIALS

Item #	Records Title and Description
115.	<p>Extra copies of correspondence and other documents preserved only for convenience of reference:</p> <ul style="list-style-type: none"> <li>a. “reading file”, “tickler file”, “follow-up file”, etc.</li> <li>b. identical copies of all documents maintained in the same office</li> <li>c. outdated copies of printed or processed materials of which official copies have been retained for record purposes</li> </ul>
116.	<p>Materials neither made nor received pursuant to a statutory requirement nor in connection with the functional responsibilities of the office:</p> <ul style="list-style-type: none"> <li>a. privately purchased material kept at the office for convenience</li> <li>b. correspondence of a personal nature kept at the office for convenience</li> <li>c. notice of employee meetings, credit union affairs, community affairs, etc.</li> </ul> <p><b>Note:</b> Prior to disposing of this type of material, contact the local historical society, library, or nearest university or college history department for advice as to its research value. If any items are deemed to be of value, transfer them to the advisory agency or notify the Michigan Historical Commission of their existence.</p>
117.	<p>Preliminary drafts of letters, preliminary reports (including printouts of database queries* and other preliminary information used to assist in preparing reports), data provided in response to a public query that has no value added information (electronic or paper-based)**, and memoranda which do not represent significant basic steps in preparation of record documents.</p> <p><b>*Note:</b> A record that is created by accessing a database can be destroyed at the convenience of the court provided the record can be regenerated in its original form, and the retention requirements for the database meet or exceed the retention period for the record that is created.</p> <p><b>**Note:</b> While data provided in response to a public query is considered a non-record, there are instances where the court may want to keep the information for at least a year.</p>
118.	<p>Routing and other inter-departmental records which do not add any significant information about the activity concerned.</p>